IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6059 of 2007(N)

CRIME NO.529/07 OF MEDICAL COLLEGE POLICE STATION, TRIVANDRUM.

PETITIONER/2ND ACCUSED

NIDHY.R.
S/O.RAGHUVARAN,USHUS,DR.C.R.P.NAGAR,
PANGAPPARA VILLAGE,PANGAPPARA (PO)
THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL
SRI.S.VENUGOPAL

RESPONDENTS: STATE

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6059 OF 2007

Dated this the 8th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused. He is the son of the 1st accused. His mother – the 1st accused, and his father have some differences of opinion. The complaint is lodged by the de facto complainant, who claims to be the 2nd husband of the 1st accused. The crux of the dispute is about the possession of a car. It is alleged that the accused persons – mother and son, along with some others had forcibly taken away the car belonging to the de facto complainant and refused to return the same. Conditions were insisted for return of the car. The car was allegedly taken away on 14/9/07. The complaint is seen filed only on 24/9/07. The car has already been seized by the police, it is submitted. Investigation is in progress. The petitioner apprehends

imminent arrest.

2. According to the petitioner, the allegations are totally false. The de facto complainant, according to the counsel, is only the driver of the 1st accused. The 1st accused and the father of the petitioner have some differences of opinion. The petitioner is residing with his father. He is an Engineering student. Most unnecessarily in the dispute between the de facto complainant and the 1st accused - the mother of the petitioner, the petitioner has been dragged in. The petitioner may, in these circumstances, be granted anticipatory bail, it is prayed.

4. The learned Public Prosecutor does not oppose the application for anticipatory bail and I am satisfied, in the facts and circumstances of this case, that anticipatory bail can be granted to the petitioner. The learned Public Prosecutor submits that even though the F.I.R. was originally registered under Sec.395 of the IPC, it has subsequently been altered and now the petitioner faces allegations, inter alia, only under Sec.379 of the IPC. I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate conditions.

5. In the result, this petition is allowed. Following

directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 15/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 5 p.m. on 16/10/07 and 17/10/07 and thereafter on all Sundays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender

on 15/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on15/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge